

REMARKS/DISCUSSION OF ISSUES

Claims 1-12 are pending in the application.

Applicant thanks the Examiner for acknowledging the claim for priority and receipt of certified copies of the priority document, and for stating that the drawings are acceptable. Applicant also acknowledges the indication in the Office Action that claim 12 defines patentable subject matter and would be allowable if rewritten in independent form, including all limitations of the base claim and any intervening claims from which it depends.

Claims 1, 3-7, and 9-12 are amended for non-statutory reasons, to replace European-style claim phraseology with American-style claim language and to fix minor typographical errors. The claims are not narrowed in scope and no new matter is added.

New claims are added to restore at least partially the original range of claims that existed before multiple dependencies were removed in the preliminary amendment. No new matter is added.

35 U.S.C. § 102 & 103

The Office Action rejected claims 1-5 and 7-11 under 35 U.S.C. § 102 over Haartsen U.S. Patent 6,574,266 ("Haartsen") and claim 6 under 35 U.S.C. § 103 over Haartsen in view of Matai U.S. patent 4,766,434 ("Matai").

Applicant respectfully traverses those rejections for at least the following reasons.

Claim 1

Among other things, in the system of claim 1, a polled secondary station includes means for determining whether when an **additional data field** has been added to the plurality of data fields of an **inquiry message**, for **determining whether it has been polled** from the additional data field.

Applicant respectfully submits that Haartsen discloses none of these features.

The Office Action states that these features are disclosed at col. 11, lines 17-20.

Reproduced below is the text of Haartsen at col. 11, lines 17-20.

Suppose that the terminal 240 wants to connect to the terminal 250. As part of its normal mode of operation, terminal 250 periodically wakes up and scans for page request messages from other terminals. After terminal 250 locks to base station 210, terminal 250 transmits to base station 210 the timing and frequency hop sequence terminal 250 uses for its page scanning procedure. It will be noted

First, Applicant respectfully submits that nowhere in the cited text - or elsewhere in Haartsen - is there any mention of a secondary station determining whether any additional data field has been added to an inquiry message. Indeed, the cited text does not even pertain to inquiry messages at all, but instead pertains to paging messages. Furthermore, the cited text also does not disclose or even remotely suggest that a secondary terminal determines whether when an additional data field has been added to any message.

Second, Applicant respectfully submits that nowhere in the cited text - or elsewhere in Haartsen - is there any mention of a secondary station determining (1) whether it has been polled; or (2) whether it has been polled from an additional data field added to an inquiry message. The cited text does not pertain to any polling process - nor is such a polling process disclosed elsewhere in Haartsen.

Finally, Applicant also notes for the record that col. 10, lines 60-65 of Haartsen, cited as supposedly disclosing a primary station broadcasting a series of inquiry message, does not disclose any inquiry messages at all.

Accordingly, for at least these reasons, Applicant respectfully submits that claim 1 is patentable over Haartsen.

Claim 2

Among other things, the primary station of claim 2 includes means for adding to each of a series of inquiry messages, prior to transmission, an additional data field for polling at least one secondary station.

The Office action states that Haartsen discloses such means as box 402 of

FIG. 4.

Applicant respectfully disagrees. Haartsen discloses that element 402 is a TX section that includes an error correction/scrambling encoder 406, a modulator/up-converter 408, and an amplifier 410. None of these elements even operate on the data link layer or could possibly add any data fields to a transmission. Moreover, nothing in Haartsen even suggests that anything in block 402 adds any data fields of any kind to an inquiry prior to transmission (nor has anything been cited that supposedly would disclose this).

Applicant also notes for the record that col. 10, lines 60-65 of Haartsen, cited as supposedly disclosing "polling at least one secondary station," does not disclose any polling - or even any inquiry messages - at all! And it certainly mentions nothing whatsoever about adding any data field to an inquiry message for polling a secondary station.

Accordingly, for at least these reasons, Applicant respectfully submits that claim 2 is patentable over Haartsen.

Claims 3-5 and 7

Claims 3-5 and 7 depend from claim 2 and are all patentable over Haartsen for at least the reasons set forth above with respect to claim 2, and for the following additional reasons.

Claim 4

Among other things, the primary station of claim 4 includes means for including an indication in one of the predetermined data fields, denoting the presence of the additional data field.

Haartsen does not even remotely suggest an indication in one of the predetermined data fields, denoting the presence of the additional data field. Certainly nothing in col. 10, lines 60-65 discloses this feature.

For at least these additional reasons, Applicant respectfully submits that claim 4 is patentable over Haartsen.

Claim 7

Among other things, the primary station of claim 7 includes first radio

means for broadcasting substantially continuously inquiry messages having the additional data field, and second radio means handling other aspects of communication links with secondary stations.

Haartsen does not even remotely suggest any first and second radio means at all. Certainly nothing in FIG. 8 or col. 10, lines 60-65 discloses first and second radio means. Indeed, FIG. 4 fairly clearly shows that Haartsen's primary station includes only one radio means.

For at least these additional reasons, Applicant respectfully submits that claim 4 is patentable over Haartsen.

Claim 6

Claim 6 depends from claim 2. Matai does not remedy the shortcomings of Haartsen with respect to claim 2. Accordingly, for at least these reasons, Applicant respectfully submits that claim 6 is patentable over any possible combination of Matai and Haartsen.

Claim 8

Among other things, the secondary station of claim 8 includes means for determining whether when an additional data field has been added to the plurality of data fields of an inquiry message, and for determining whether it has been polled from the additional data field.

As explained above with respect to claim 1, Haartsen fails to disclose or suggest any of these features.

Accordingly, for at least these reasons, Applicant respectfully submits that claim 8 is patentable over Haartsen.

Claims 9-10

Claims 9-10 depend from claim 8 and are all patentable over Haartsen for at least the reasons set forth above with respect to claim 8.

Claim 11

Among other things, in the method of claim 11: (1) a primary station adds an inquiry message, prior to transmission, an additional data field for polling at least one secondary station; and (2) the polled secondary station determines whether when an

additional data field has been added to the plurality of data fields of an inquiry message, and determines whether it has been polled from the additional data field.

As explained above with respect to claims 1 and 2, Haartsen fails to disclose or suggest any of these features.

Accordingly, for at least these reasons, Applicant respectfully submits that claim 11 is patentable over Haartsen.

CONCLUSION

In view of the foregoing explanations, Applicant respectfully requests that the Examiner reconsider and reexamine the present application, allow claims 1-12 and pass the application to issue. In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact Kenneth D. Springer (Reg. No. 39,843) at (703) 715-0870 to discuss these matters.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment (except for the issue fee) to Deposit Account No. 50-0238 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17, particularly extension of time fees.

Respectfully submitted,

VOLENTINE FRANCOS, P.L.L.C.

Date: 23 August 2004

By: 
Kenneth D. Springer
Registration No. 39,843

VOLENTINE FRANCOS, P.L.L.C.
One Freedom Square, Suite 1260
11951 Freedom Drive
Reston, Virginia 20190
Telephone No.: (703) 715-0870
Facsimile No.: (703) 715-0877